19 38 – 43-44 **File No.** 2168/36

A CLASS

P.W. **DEPARTMENT**

E **BRANCH.**

Subject:— Contributory Provident Fund Rules (Bombay) Amendments to.

P-12

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A [K] 1944

V

File No. 2168/36

Std. Sectt. Slip 21-A

E B

Std. Sectt. 78 e.

G.R., G.D., No. 2408, dated 22-6-22.]

Correspondence

DOCKET SHEET

Subject :—

File No. 2168-/36

P. W. **DEPT.**

E **BRANCH.**

References :—

Original File sent to Maharashtra

Date.	To whom sent.	Notes and instructions.

Originals in file No. 2164/36/2570

Provident Fund Rules.

GOVERNMENT OF BOMBAY.
Political and Services Department.
Resolution No. 1575/34.
Bombay Castle, 5th November 1938.

Letter from the Government of India, Finance Department, No. F. 19 (4)-R. II/38, dated the 12th September 1938, ~~dated the 10th September 1938,~~ dated Forwarding a copy of the following letter No. F. 19 (4)-R.-II/38, dated the 10th September 1938, addressed to all Chief Commissioners:-

"I am directed to invite attention to the third sub-section of Rule 7 of the old General Provident Fund Rules (1929 edition) whereby the amount of subscription originally fixed by a subscriber was not to be varied during the course of the year on account of any increase or decrease in his rate of pay which might ultimately have been found to be due in respect of the 31st March preceding, or which might take place during the year. For the avoidance of any doubt in the matter, I am to say that it is the intention of the Government of India that this same principle should be followed under Rule 11 of the General Provident Fund (Central Services) Rules and the Superior Civil Services Rules respectively."

RESOLUTION:- Copies of the letter from the Government of India should be forwarded to the officers concerned for information and guidance.

2. The orders contained in the letter from the Government of India should be made applicable in respect of the Bombay General Provident Fund and the Contributory Provident Fund (Bombay) of Government servants under the rule-making control of the Government of Bombay.

By order of the Governor of Bombay.

G. WILES,
Chief Secretary to the Government of Bombay,
Political and Services Department.

G. R. No. 1575/34, P. & S. D., dated the 5th November 1938.

To

The Secretary to the Governor,

The Accountant General, Bombay,

The Prothonotary and Senior Master, High Court, Bombay,

The Registrar, High Court, Appellate Side, Bombay,

All other heads of Offices under the several Departments of the Secretariat,

All Departments of the Secretariat,

*By letter.

No. of 1938.

Copy forwarded for information and guidance to

General Provident Fund and Contributory Provident Fund (Bombay):

Grant of advances from the-

GOVERNMENT OF BOMBAY.
Political and Services Department.
Circular Memorandum No. 1575/34.
Bombay Castle, 15th August 1940.

CIRCULAR MEMORANDUM.

All Officers who are competent to sanction temporary advances under the Bombay General Provident Fund Rules and the Contributory Provident Fund Rules (Bombay), are informed that expenses incurred in connection with the marriage of an European, Anglo-Indian or Indian Christian subscriber or of any person dependent on him, are not "obligatory" expenses, within the meaning of rule 14 (1) (a) (III) of the former Rules and rule 12 (a) (iii) of the latter Rules and that, therefore, no advances should be sanctioned from the Funds to meet such expenses.

By order of the Governor of Bombay,

V. H. VACHHRAJANI,
for Chief Secretary to the Government of Bombay.
Political and Services Deptt.

2168/36. E
Originals in 2164/36

To
The Accountant General, Bombay,

The Secretary to the Governor,

* The Prothonotary and Senior Master, High Court, Bombay,

*The Registrar, High Court, Appellate Side, Bombay,

The All other Heads of Offices under the several Departments of the Secretariat,

All Departments of the Secretariat.

* By letter.
No. of 1940.

Copy forwarded for information and guidance to

GOVERNMENT OF BOMBAY.
Political and Services Department.

Resolution No. 1638/34.
Bombay Castle, 13th September 1940.

Letter from the Accountant General, Bombay, No. P. F. 5369, dated the 9th August 1940;

"I have the honour to invite a reference to Government, F. D. Resolution No. 8802, dated 28th March 1934 under which certain contract Officers who were till then subscribers to the Special Provident Fund, became subscribers to the Contributory Provident Fund, become subscribers to the Contributory Provident Fund, Bombay, by executing supplementary agreements in the form prescribed in the accompaniment to the above resolution. One of the conditions of their principal agreements which has been continued by para 1(b) of their supplemental agreements was that Government shall, during the continuance of the Principal agreements pay to the credit of the subscribers in the Contributory Provident Fund (Bombay), Contribution at intervals not greater than the intervals provided for therein. According to the Principal Agreements which were drawn up at the time agreeably to the rules of the Special Provident Fund - (Vide Rule 10 of the defunct Special Provident Fund Rules), the Government Contribution (bonus) was creditably to their accounts on th 1st October and 1st April of each year. The provision in the supplementary agreements in this respect was some-how overlooked by this office and since 1-4-1934 from which date the subscribers came under the rules of the Contributory Provident Fund (Bombay), Govt. Contribution has been credited to their accounts only once in a year on the 31st March under the general rule 10 (1) of the Contributory Provident Fund Rules. This has come to light while scrutinising the revised agreement entered into with Mr. R. G. Higham one of the above subscribers and communicated with Government P. W. D. Memorandum No. 334/36-E, dated 13-4-1940.

(2).....

(2) An examination of all cases of Contract Officers similarly situated has shewn that out of 19 subscribers whose accounts were transferred to the Contributory Provident Fund, 7 have already retired and their accounts were closed, 2 have been transferred to pensionable service and Government Contribution lapsed in their case, 4 appear to have been transferred to Sind, and there are now only 6 current accounts on the books of this office. In the case of these six subscribers, their agreements being still in force, the conditions thereof have to be respected, and the method of adjustment of Government Contribution has to be revised from yearly to half yearly from 1-4-1934 onwards. The effect of the revision will be only that the subscribers earn interest on the half yearly contribution creditable on the 1st October of each year for the other 6 months of the year and the amount of interest that is to be added to the accounts of all the six subscribers for the six years from 1934-35 to end of 1939-40 will be within Rs. 500/-. As the period for which the interest calculations are to be revised goes back to more than three years, I request the favour of approval of Government thereto.

RESOLUTION:- Government is pleased to sanction the proposal of the Accountant General, Bombay, to revise the method of adjustment of Government contribution to the accounts of the six subscribers whose Principal Agreements are still in force, from yearly to half-yearly contribution from 1st April 1934 onwards.

By order of the Governor of Bombay,

H. T. Sorley
Chief Secretary to the Government of Bombay,
Political and Services Department.

To

The Accountant General Bombay,
The Secretary to the Governor,
The Finance Department,
All other Departments of the Secretariat.
(except the Separate Department).

N-2164/36

Originals in file 202/64/36

Provided Funds.
Alternative nominations.

GOVERNMENT OF BOMBAY.
Political and Services Department.
Resolution No. 1575/34.
Bombay Castle, 22nd October 1942.

Letter from the Government of India, Finance Department, No. F.2(8)-R.II/42, dated the 17th August 1942-Forwarding a copy of the following letter of the same number and date addressed by them to all Chief Commissioners:-

"I am directed to say that enquiries have been received by the Government of India as to whether alternative nominations can be made under the General Provident Fund (Superior Civil Services) and (Central Services) Rules; in other words, whether a subscriber can name a second nominee to receive his provident fund deposits in case the subscriber and the first nominee are killed in the same accident.

"2. Under the Provident Funds Act, 1925, and the Provident Fund Rules specified in the margin, alternative nominations are not permissible. But a way of avoiding possible contest between the heirs of the subscriber and the nominee perish simultaneously or nearly so, as the result of a common accident, would be for the nominee to make a short will as in the form enclosed. This form does not purport to cater for each and every case, but after taking legal advice may be adopted or adapted having regard to the nominee's own circumstances and his personal law.

- Indian Civil Service Provident Fund Rules (new Rules about to be issued.)
- Indian Civil Service (Non-European Members) Provident Fund Rules.
- General Provident Fund (Central Services) Rules.
- Contributory Provident Fund Rules (India).
- Defence Savings Provident Fund Rules.

General Provident Funds (Superior civil Services) Rules.

and the heirs of the nominee in cases in which the subscriber

"3. I am to request that the substance of the preceding paragraph may be brought to the notice of all persons concerned under your administrative control."

RESOLUTION:- Copies of the foregoing letter from the Government of India should be forwarded to the officers concerned for information and

and guidance.

2. The procedure suggested in the letter from the Government of India should be made applicable in respect of the Bombay General Provident Fund and the Contributory Provident Fund (Bombay) of Government servants under the rule making control of the Government of Bombay.

By order of the Governor of Bombay,

H. K. KIRPALANI,
Chief Secretary to the Government of Bombay,
Political and Services Department.

To
The Accountant General, Bombay,

The Secretary to the Governor,

The Prothonotary and Senior Master, High Court, Bombay,

The Registrar, High Court, Appellate Side, Bombay,

All Heads of Offices and Heads of Departments under the several Departments of the Secretariat,

All Departments of the Secretariat.

*Printed as an accompaniment to this Resolution.

No. of 1942.

Copy forwarded for information and guidance to

Accompaniment to the Government Resolution, Political and Services Department, No. 1575/34, dated the 22nd October 1942.

Form of WILL.

I am the nominee of to receive the dues of the said from the Provident Fund. In the event of my dealth after I become entitled to receive the same and before the said dues are actually paid to me, I direct that the same shall be paid to such person or persons as would have been entitled thereto under the Rules of the said Provident Fund if the said had not made any such nomination as aforesaid and (in case more than one person is entitled thereto under the said Rules) in such proportion as is prescribed by the Rules of the said Fund, and I bequeath the said dues to such person or persons in the proportion aforesaid.

Contributory Provident Fund.
Final Withdrawal of Contributory Provident Fund deposits.

GOVERNMENT OF BOMBAY.
Political and Services Department.
Resolution No. 1638/34.
Bombay Castle, 27th November. 1942

Letter from the Accountant General, Bombay, No. P. F. 12159, dated the 4th November 1942:-

"I have the honour to enclose a copy of letter No. 1862-NGE.-405/42, dated 23rd October 1942, from the Auditor General of India to all Accountants General and Comptrollers on the subject mentioned above conveying the decision of the Government of India with reference to clause (c) of Rule 26 of the Contributory Provident Fund Rules (India), and to enquire whether the Government of Bombay have any objection to the adoption of a similar procedure with reference to rule 26 (c) of the Contributory Provident Fund Rules (Bombay). The decision of Government in the matter may kindly be communicated as early as posible.

RESOLUTION:- Copies of the foregoing letter from the Accountant General and its accompaniment* should be forwarded to the officers concerned for information and guidance.

2. The decision of the Government of India with reference to clause (c) of Rule 26 of the Contributory Provident Fund Rules (India) should also be made applicable in respect of rule 26 (c) of the Contributory Provident Fund Rules (Bombay).

* Printed as an accompt to this Resolution.

By order of the Governor of Bombay,

H. K. KIRPALANI,
Chief Secretary to the Government of Bombay,
Political and Services Department.

To
The Accountant General, Bombay.
The Secretary to the Governor.
The Prothonotary and Senior Master, High Court, Bombay.
The Registrar, High Court, Appellate Side, Bombay.
All Heads of Offices and Heads of Departments under the Several Departments of the Secretariat.

All Departments of the Secretariat.

of 1942.

Copy forwarded for information and guidance to

Accompaniment to Government Resolution, Political and Services Department. No. 1638/34, dated the 27th November. 1942

I have the honour to state that with reference to clause (c) of Rule 26 of the Contributory Provident Fund Rules (India), the Government of India have decided that it is not necessary to obtain the approval of the Government of India to the payment of full amount standing to the credit of a subscriber in the Fund without any deduction in cases where the head of the office reports that there is no liability incurred by the Subscriber to Government. Orders should be sought only in cases in which the head of the office proposes a deduction on account of a liability incurred by the Subscriber.

E. B.

Submitted.

2. There is no subscriber to the con. Provident Fund in this office.

Record.

Id/-
5-1-43.

Id/-
6-1-43.

For further orders please see G. R., P. & S. D. No. 1638/34, dated the 11-7-50 (file No. 296/48/63911).

Contributory Provident Fund. Rate of Government contribution to the - of an officer transferred from service under a private body to service under Govt. or from one Govt. Deptt. to another.

GOVERNMENT OF BOMBAY.
Political and Services Department.
Resolution No. 1638/34.
Bombay Castle, 28th June 1944.

Letter from the Government of India, Finance Department, No. F. 29 (5)-R. II/43, dated the 3rd April 1944, forwarding a copy of their following letter of even number dated the 24th January 1944, addressed t all Chief Commissioners:-

'I am directed to say that a question has been raised whether Gamm Government contribution to the Contributory Provident Fund of an officer transferred from service under a private body to service under Government or from one Government Department to another should be based on his substantive pay in the post held prior to transfer or on pay drawn from time to time after transfer. It has been decided, in consultation with the Auditor General, that where there is no provision to the contrary in the Contributory Provident Fund Rules of the officer concerned, the Government contribution should be based on the pay which he would have drawn but for his transfer and not on the pay drawn by him from time to time after transfer.'

RESOLUTION:- Copies of the foregoing letter from the Government of India, should be forwarded to the officers and Departments concerned for information.

2. Government is pleased to direct that the decision contained in the letter from the Government of India should be adopted for the purpose of determining Government contribution to the Contributory Provident Fund of an officer transferred temporarily from service under a private body to service under Government or from one Government Department to another.

By order of the Governor of Bombay,
H. T. SORLEY,
Chief Secy. to the Govt. of B'bay. Political and Services Deptt.

G. R., No. 1638/34, P. & S. D., dated the 28th June 1944.

To

The Secretary to the Governor.

The Accountant General, Bombay.

The Prothonotary and Senior Master, High Court, Bombay.

The Registrar, High Court, Appellate Side, Bombay.

All Heads of Departments and Heads of Officers under the several Departments of the Secretariat.

All Departments of the Secretariat.

No. of 1944.

Copy forwarded for information and guidance to.

(E. B. I.) Noted & Recorded.

BD/-
31-7-44.

Recorded

DMO
30-7-56.